IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 19128 of 2004

Between:

M/s. Soma Agencies, A Registered Partnership Firm, Rep. by its Managing Partner, B. Srimannaryana Murthy, S/o.Subbarao, aged 63, Hindu, Male, R/o.Narasingaraopet, 3rd Lane, Anakapalli, Visakhapatnam District.

..... PETITIONER

AND

1 The State Project Director, D.P.E.P., (District Primary Educational Programme), Hyderabad., A.P.
2 The Additional Project Co-Ordinator, D.P.E.P./S.S.A., Vizianagaram.
3 The District Collector & Chairman, SSA, And Chairman District Purchase Committee, Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the impugned suspension order passed by the 1st respondent in Rc.No.161/DPEP/B2/2003, dated 22-09-2004 copy served on 11-10-2004 by the 2nd respondent as illegal arbitrary, capricious, unjust and also violative of Article 19(1) (g) and Article 21 of Constitution of India and without jurisdiction and consequently to set-aside the same and direct the respondents to make necessary arrangements for payment of the amount towards the supply of Teaching Learning Equipment (TLE) already supplied to a tune of Rs.80 Lakhs immediately.

Counsel for the Petitioner: ***SMT.N.(P).ANJANA DEVI, SATYANARAYANA***

Counsel for the Respondents: Govt. Pleader FOR EDUCATION

The Court made the following:

Oral Order:

Petitioner who is carrying on business in supply of machinery and agricultural equipment and also educational learning equipments participated in the tender process as per tender notice dated 28-02-2004 for supply teaching learning equipment to the 519 new primary and upper primary schools in Vizianagaram District under Sarva Siksha Abhiyan. Since the petitioner is the successful tenderer, work order was issued by the District Collector (SSA), Vizianagaram. According to the petitioner, it has supplied teaching learning equipment worth Rs.80 lakhs to the schools. While so, the State Project Director, DPEP, Andhra Pradesh Hyderabad through impugned proceedings dated 22-09-2004 suspended the purchase order placed with the petitioner till further directions. Questioning the same the present writ petition is filed.

Learned Counsel for the petitioner submits that though the petitioner supplied equipments worth Rs.80 lakhs, the amount has not been released so far and the State Project Director is not competent to suspend the purchase order and the same is liable to be set aside.

Admittedly, petitioner was selected as lowest tenderer for supply of various equipments to the schools as per the necessary purchase orders made by the Project Coordinator, Vizianagaram. Project Coordinator submitted a report and basing on the said report the State Project Director suspended the purchase order. As the suspension is temporary in nature, no arbitrariness can be made to the said

order. In view of the same, I see no grounds to entertain the writ petition. Petitioner can always make a representation to the State Project Director and he can consider the same. For the due amounts petitioner can proceed to recover the same in accordance with law.

The writ petition fails and it is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

14-10-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The State Project Director, D.P.E.P., (District Primary Educational Programme), Hyderabad., A.P.
2 The Additional Project Co-Ordinator, D.P.E.P./S.S.A., Vizianagaram.
3 The District Collector & Chairman, SSA, And Chairman District Purchase Committee, Vizianagaram.

4. Two CCs to the Govt. Pleader for Education.

5.Two CD copies.